

REPORT on NRC ACTIVITIES

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Before the
Seventeenth Annual National Conference
on Radiation Control

Milwaukee, Wisconsin
May 22, 1985

I am pleased to be here to address the annual meeting of the Conference. I appreciate the efforts of Larry McDonnell and his staff for hosting this meeting.

- My remarks today will focus on several ongoing rulemaking regulatory efforts at NRC, on Emergency Preparedness activities, on transportation of radioactive material, on waste management, and on budgets - both ours and yours.

The NRC staff is continuing its efforts on the proposed revision of Part 20. We appreciate your contributions to the work of the NRC staff. We are now beginning to identify areas where guidance will be needed by regulators and licensees for effective implementation. Also under consideration in connection with the Part 20 revision is what impact the proposed new EPA Federal radiation protection guidance for occupational exposure will have on the revision of Part 20.

In December 1984 the NRC staff forwarded to the Commission a revision of 10 CFR Part 35 which consolidated all of the requirements pertaining to the medical use of radionuclides into a single regulation. As part of the revision the NRC staff proposed to provide medical licensees a certain degree of flexibility to make certain changes in radiation safety procedures without getting a license amendment. The licensee would be required to document each change and prepare a safety analysis. Joe Ward from California and Mary Lou Blazek from Oregon represented the Agreement States at a Commission meeting on March 20, 1985. While there is general agreement with consolidating all medical requirements into a single regulation, there continues to be a difference in viewpoint between the Agreement States and the NRC staff on the wisdom of permitting licensees to change radiation safety procedures without prior review and approval by the regulatory agencies. We expect a modified staff proposal will be published in the near future.

At previous annual meetings, we have provided brief reports on the progress of a Steering Committee composed of State and NRC representatives to improve industrial radiography safety. NRC staff has concluded

that a third party certification program for radiographers would not be a cost effective effort, however, NRC staff plans to work with Texas on a pilot program to develop a bank of questions which could be used for a State administered test for radiographers. Following the leads of Louisiana and Texas, among others, NRC has incorporated requirements for inspection of field radiography sites into its routine inspection priority system. In a related matter, we are currently exploring ways to begin a program of routine inspections of off-shore radiography operations. The Steering Committee is also presently examining equipment performance standards with an eye toward identifying those that could contribute significantly to improving the safe use of equipment. To help improve the database on radiography incidents, we have established a systematic way of collecting incident data from Agreement States.

After several years of debate, the Commission has published proposed decommissioning regulations for nuclear facilities which, if adopted, will amend several parts of our regulations. Delays in attaining unrestricted release conditions would be limited to situations where there is a compensating benefit, such as reduced occupation exposures. Planning would be more completely specified and information on-decommissioning funding methods would be submitted at the time of application for an operating license and by existing reactor licenses within two years of the effective date of the rule. For those materials facilities where major decommissioning costs are likely, financial assurance for decommissioning would be required.

Under the proposed amendment, decommissioning plans would be submitted at the end of operation by Part 50 and 72 licensees whether or not the actual dismantling is to be delayed. Under the proposed amendments, a safe storage period would still be allowed when appropriate and in this case more detailed plans and specifications for the actual dismantlement procedure could still be deferred until needed. For materials licensees, plans for decommissioning would be required only when a significant health and safety question may exist. A number of acceptable funding methods are specified in the proposed rule with some differences for utility licensees versus non-utility licensees.

In a related matter the Commission is also considering whether to propose regulations which would require certain categories of materials licensees to have financial capability to clean up accidental or unexpected releases of radioactive materials, both on-site and off-site. A draft of the ANPR was sent to State officials in August 1984 and comments received, in general, were supportive. The Commission has approved it for publication.

This issue concerns areas of coverage which have been excluded elsewhere. Price-Anderson indemnity coverage may only apply to reactors and plutonium facilities where major radiological release could occur. Cleanup per se is not covered under Price-Anderson except reimbursement for liability claims, including expenses of other parties in cleanup. The Commission's property insurance requirements apply only to power reactors. EPA has established policy that NRC-licensed facilities are

to be excluded from the Superfund program because NRC could accomplish the same objective outside Superfund. The ANPR requests suggestions on the types of licensees to be covered.

For the purpose of initial discussion in the draft ANPR, the NRC staff has used a \$2 million baseline as the amount of financial responsibility for materials and fuel cycle facilities. The Commission staff chose this figure for the purpose of initial discussion because it is in the range of actual cleanup costs for NRC regulated material licensees. It should be noted, however, that the staff will consider at a later date the issue of financial responsibility for the small number of licensees who have the potential to be involved in the significantly more costly cleanups postulated in past NRC studies.

Moving to the subject of emergency preparedness, the NRC has opened a new 24-hour operations center in Bethesda, MD. The center provides space for a full complement of NRC Headquarters response personnel and will serve as the NRC Headquarters communications base during a significant event at a licensed facility or during an event concerning the transportation of nuclear material. The operations center will remain NRC's primary location for monitoring, evaluating and recommending protective actions during an incident at a nuclear facility until a Regional Administrator, accompanied by a team of engineers and scientists, arrives at the site and is designated Director of Site Operations.

A transportation exercise was held at the Operations Center on April 30, 1985, to test NRC and State response and communication aspects of a transportation accident scenario although the State involvement was very limited. As a result of this drill, I want to emphasize certain things:

On April 29, 1983, we sent you for comment a draft copy of the NRC's Policy Statement on "NRC Response to Accidents Occurring During the Transportation of Radioactive Materials." It was subsequently published in the Federal Register on March 29, 1984 and copies were distributed to the States. Although published in final form at the time, it invited comments. Comments were provided by five States and a copy of our response to the comments was mailed to each State regarding their comment. In addition, a summary of our response to comments was provided to the Conference and was published in the April 1985 Newsletter. The statement stresses that "The State government is responsible for assuring control of the accident scene to protect the health and safety of the public." NRC's role is primarily that of providing technical assistance to the State if requested, providing information on packaging, information collection, and providing recommendations on radiological issues if requested by the on-scene coordinator. It also notes that DOE has

technically trained teams that are available to assist States in such emergencies. These teams operate under the DOE Radiological Assistance Program or the Federal Radiological Monitoring and Assessment Plan coordinated by DOE.

The TMI incident caused NRC to closely examine the need for upgrading radiological contingency planning at large licensed fuel cycle and materials facilities. Criteria for selecting such facilities were issued in 1981. At that time, we also issued guidance concerning standard format and content of licensee contingency plans and a standard review plan for NRC staff. Our initial regulatory actions were through Orders issued to affected licensees. We are presently developing a proposed rule to codify the requirements. These efforts should enhance our ability to assure the public that when large quantities of licensed materials are utilized, there has been an evaluation of the possible consequences of mishaps involving the material, such as a fire; and that adequate licensee emergency plans exist to respond effectively to mishaps and mitigate the consequences. We have advised the Agreement States that, as a matter of compatibility, they will be expected to apply the same criteria, and assure that acceptable contingency plans are developed, when required.

"NRC Response Plan for Dealing with Material in Unexpected Places" is an awkward yet descriptive name for an effort on our part to be fully responsive in future situations where licensed material is found or may be found in places where it shouldn't be. Last year's Mexican cobalt-60 steel incident is, of course, a vivid example and we have tried to learn from that experience. An interim plan has been in effect for NRC since April 1984 while staff prepares a permanent plan. Because such incidents have a high potential for involving States, regardless of Agreement status, we circulated copies of the draft permanent plan to you for comment. When the plan is issued, we will provide copies to you.

The amount and form of radioactive release from a nuclear power plant accident is commonly known as "source terms." Major studies attempting to pull together the research results were undertaken by the American Nuclear Society and the Industry Degraded Core Rulemaking Program (IDCOR). The American Physical Society, under contract to NRC, undertook a peer review of the two studies. It agreed with the general thrust of the other two but emphasized that there are still uncertainties in the analyses that must be cleared up before sweeping conclusions are warranted. The NRC staff is now digesting these studies and is expected to come up with an analysis of its own in the coming months. Any possible reduction in the size of the plume exposure pathways that dictates the radii of the Emergency Planning Zones (EPZs) is unlikely to come about in the near future.

Moving to the subject of transportation, in June 1984, the NRC and the State of Illinois entered into a subagreement on low-level radioactive waste inspection which allows the State to inspect waste

packaging and shipping procedures on the premises of certain NRC licensees. Inspections by the State would review compliance with State laws and regulations as well as compliance with NRC rules regarding packaging and transportation of low-level waste destined for disposal at a commercial LLW site. Although the State may exercise authority available to it under its own laws while supplementing NRC's inspection program, the NRC remains the responsible agency for undertaking enforcement actions under the subagreement.

There are a number of areas where NRC has questions regarding spent fuel transportation under active review. In the so-called modal study, objectives include the evaluation of protection against severe accident conditions afforded by current regulations for spent fuel casks that are transported by road or rail; the study of accidents which may produce forces in excess of which the casks are designed to withstand; and the preparation of a technical document which describes to the public the basis provided by the regulations for protecting against severe transportation accidents. In an Aerospace Corporation case study, West Valley and other relevant spent fuel transport experiences are surveyed to assess the institutional, operational and technical factors related to these activities to provide recommendations for improvements to near term spent fuel shipments and those under NWPA.

A review by NRC staff of DOE's Environmental Assessments for each of the nine candidate sites for the first HLW repository did not identify any major errors in the transportation portion of the EA's. Comments which addressed the role of transportation risks in the site selection process noted that potential State issues regarding "transportation corridors" were not addressed by DOE, and raised several technical points requiring clarification.

Wisconsin has submitted a petition for rulemaking regarding the transportation of spent fuel assemblies. The State asserts that there should be no shipments until the total problem is assessed and comprehensive plans implemented. The petition was published for comment and to date about 45 comments have been received.

NRC and DOT are jointly sponsoring a seminar on the regulatory issues associated with the transportation of spent nuclear fuel to be held in Chicago, July 31 - August 2, 1985. The purpose of the seminar will be to explain regulatory roles and responsibilities of NRC, DOT and other Federal agencies to State, local and Indian representatives, as well as to provide these representatives with the Federal regulatory perspective on institutional and operational issues that have arisen in recent spent fuel shipments. The seminar is also intended to provide the representatives the opportunity to seek clarification or voice their views on transportation roles and issues. The seminar will include a visit to the General Electric spent fuel storage facility in Morris, Illinois, where truck and rail transportation equipment will be on display and shipment and inspection procedures will be demonstrated.

Since several of the speakers in this session will be addressing the subject of waste, it is appropriate that I speak briefly on the

matter. The Commission is considering a number of interrelated matters -- Disposal Capability for Decommissioning Wastes; Status of Efforts to Implement the Low-Level Radioactive Waste Policy Act and Regulatory Implications of Potential Restricted Access to Low-Level Waste Disposal Sites; and Comments on HR 1083 (Udall Bill).

In May 1984 NRC sponsored a State Workshop on Shallow Land Burial and Alternative Disposal Concepts with the focus on participants from the Northeast and Midwest. Three of the major conclusions reached by State participants were that significant data gaps and information needs have to be addressed before timely State decisionmaking can be accomplished; the five alternative disposal concepts that appear to be the most favorably perceived by the States when ranked by "critical factors" are augered holes with liners, belowground vaults, earth mounded concrete bunkers, aboveground vaults and mined cavities; and the public appears to place greater confidence in disposal methods that incorporate man-made engineered barriers because of some past problems at closed shallow land burial facilities. Since then, NRC has continued contract study on alternatives with the U.S. Corps of Engineers. Task 1 has been completed which is the conceptual evaluation of alternatives and assessment of the criteria now in Part 61. Task 2, which should be completed shortly, calls for recommendations of modified and supplemental criteria that would apply to various alternatives. Finally, Task 3 should be completed within three months after Task 2 and calls for the development of license application review procedures that will facilitate the licensing process for alternatives. In the meantime NRC is prepared to accept for review an application for disposal utilizing an alternative to conventional shallow land burial and to consult with the States. Depending on the alternative selected, the license review process may require more time than the approximately two years estimated for review of a shallow land disposal application.

In implementing the low-level radioactive waste disposal regulation, 10 CFR 61, the NRC and the Agreement States instituted a program for NRC/State review of topical reports on design of high integrity containers and waste form processes that are of a generic nature. The topical reports are being reviewed by NRC staff and the States regulating the waste burial sites. The NRC review times have been longer than we expected initially. The Waste Management staff is exploring ways to shorten the review process.

The NRC is in a position, not unlike most other Federal agencies and perhaps some State agencies, of facing stringent budget restrictions. We are all having to learn to do more with the same amount of resources or possibly less resources. It is also possible that we will have to do less with less. The latter happens to be the case with us. Our program support funds for training and other types of assistance to States is declining. At this point, we expect to support the Conference in FY 1986 at the same level as in FY 1985. However, the funding level for our training programs may decline somewhat in FY 1986 due to the above mentioned budget restraints. We have made modifications, as appropriate, to introduce new courses and improve existing ones. Last year we introduced a new course on transportation of radioactive

material which focuses heavily on waste packaging and shipping. The two week licensing course has been divided into two parts - one week for general orientation in licensing for new staff members and a one week course in special topics (such as megacurie irradiators) for more senior members. We also reactivated the radiation engineering course which was well received.

We recognize that the NRC regional offices occasionally call on States, both Agreement and non-Agreement States, for assistance in dealing with lost sources, contamination incidents and other occurrences of radioactivity in the environment. Thus, it is important to have State personnel trained in radiation safety. We appreciate the assistance you have provided. Further, we have a responsibility to provide needed training to States negotiating a Section 274b agreement with us. We are happy to work with any State in formulating a plan to accommodate their training needs, to the extent possible.

My best wishes for a successful meeting.